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FOR S/WCI AND EUR/SCE

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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [KAWC](#) [HR](#)  
SUBJECT: CROATIAN MP BRANIMIR GLAVAS AND CO-DEFENDANTS  
FOUND GUILTY OF WAR CRIMES

Classified By: Rick Holtzapple, PolEcon Counselor, for reasons 1.4 (b) & (d).

¶1. (U) The Zagreb County Court on May 8 found Croatian MP Branimir Glavas and his five co-defendants guilty of war crimes for the killings of over a dozen ethnic Serb civilians in 1991 in the eastern Croatian city of Osijek. Glavas received a sentence of ten years, while his co-defendants received sentences of between five and eight years. The court found that Glavas formed and held full control over secret paramilitary units in Osijek that then engaged in war crimes. The presiding judge said he took into account as extenuating circumstances in the sentencing the fact that Osijek was under attack at the time of the killings, and that all of the convicted had played a major role in the defense of the city. Embassy officers who attended the hearing report that the courtroom procedure was orderly, and there were no significant protests at the court.

¶2. (U) Under Croatian law, all the defendants should immediately be held in detention while appeals of this initial ruling are heard. Four of the defendants who were in court were put directly into detention. Glavas and one other defendant, however, were not in court and Glavas holds immunity from detention as a member of parliament. The presiding judge said he would immediately send a request to the parliament, asking it to lift Glavas' immunity. According to press reports, the president of Glavas' HDSSB political party, Vladimir Sisljagic has announced that Glavas' conviction was brought "on orders from Prime Minister Sanader" and that Glavas is now "in a safe location."

¶3. (C) Prime Minister Sanader, who was hosting a lunch for Ambassador Bradtke and several European diplomats at the moment the verdict was announced, looked somewhat taken aback when he heard of the verdict and told his guests that Glavas' sentence was longer than he or the Minister of Justice had expected. The Ambassador asked Sanader what the government and parliament would do about allowing Glavas to be held in detention, and noted that his decision would be watched with interest in Washington and other capitals. Sanader replied, in front of the group of lunch guests that he was aware of the international interest in the case, but that he did not yet know what the government and Sabor would decide to do. He noted that first the judge needed to transmit his request to have immunity lifted. Sanader said he also wanted to see what the public reaction would be in Osijek, where a large public gathering was planned for this evening, and that he wanted to consult with Sabor VP Vladimir Seks, (who is also from Osijek, a former close ally of Glavas, and one of the HDZ's leading legal experts). In a short, private conversation at the end of the lunch, the Ambassador told the PM that it would be very important to lift Glavas' immunity, and see him put in detention along with the other convicted individuals. Sanader replied, "Yes, I know, we have to do it."

¶4. (C) COMMENT: Sanader appears genuinely surprised at the

length of the sentence, and worried about the potential political backlash from any decision to stick Glavas back in jail (Glavas was released from an earlier period of detention in January 2008, when he won re-election to the Sabor). With the Sabor on recess again next week during the final week of campaigning for local elections, any parliamentary decision would require another extraordinary session to act on the judge's request immediately. Sanader and the HDZ may well be tempted to play for time and try to deal with this after next Sunday's vote. END COMMENT.  
BRADTKE